

**TOWN OF WESTFORD**  
**DEVELOPMENT REVIEW BOARD MINUTES**  
**Minutes for November 10, 2010 Meeting**  
Approved on December 15, 2010

**Board Members Present:** Tony Kitsos (Chair), Dick Heaps, Jason Hoover Eric Jacobsen, Don Maddocks, and Casey Mathieu.

**Board Members Absent:** Matt Wamsganz.

**Also Present:** Melissa Manka (Planning Coordinator), Frena Phillips, Eric Harper, Jennifer Phillips, Margaret Bouffard, James Bouffard, Michelle Kolinich, Erik Brennen, Allen Phillips, Michelle Pelkey, Ted Pelkey, Jeffrey Kershner, Benjamin Kolinich, Scot Phillips, Kimberlee Phillips, Richard Mathieu, Linda Mathieu, John Stuart, Paul Kolbenson and Ginny Kolbenson.

The meeting began at approximately 7:15 p.m.

**CONTINUED: Final Plat Public Hearing for a 2-Lot Subdivision– Scot & Kim Phillips & Frena & William Phillips properties**

Frena Phillips, Eric Harper, Jennifer Phillips, Scot Phillips, Kimberlee Phillips, and John Stuart (project engineer) were present.

The DRB discussed the location of wetlands with John Stuart.

John said the wetlands should not impact the development.

Melissa said the State of Vermont Wetlands Specialist disagreed with wetland boundary depicted on the site plans.

The DRB asked if the wetlands depicted on the map were delineated by a wetlands specialist.

John said no.

The DRB asked that the wetlands be delineated by a wetlands specialist prior to the close of the hearing.

John said the building envelope may then need to be revised.

The DRB read the engineer's request for a lot shape waiver.

John stated there wasn't a definition of "dog leg lot" in the regulations but he believes the plans conform to the regulations, because all lot lines are parallel to one another. He went on to say they did not design the shape of the lot to get around zoning, but designed it so as to stay out of the 10 acre zoning area. He said they considered adding more land to the rear of Scot and Kim's parcel so a 10 acre lot could be subdivided off, but doing so would have created a lot with the width to depth ration greater than 1 to 4. He said the Vrbas were not willing to do a boundary line adjustment either.

Tony asked if John was saying that because the front, back and side lot lines were parallel the lot was a conforming lot.

John said yes.

Casey said he thought the lot lines were as square and parallel as they could be.

Don agreed and said he felt the intent of the regulations were met because they seem to place a lot of emphasis on perpendicular and parallel lot lines.

Jason and Eric agreed.

Tony said the Board would need review wetland information and deliberate on all the issues discussed, including lot shape, prior to making its final decision.

John said he also revised the WRO on the east side of Lot 1.

The hearing was opened to the public.

Margret Bouffard asked if the only remaining factor for approval was the mapping of the wetlands,

Tony said that was the only issue the DRB would like more information on prior to closing the hearing. He reiterated that the DRB must go into deliberative session prior to making its final decision regarding approval or denial of the application.

Kim Phillips asked how long deliberations would take.

Melissa said the DRB must issue a decision within 45 days of the close of the final plat hearing.

Dick MOVED to continue the hearing until December 8, 2010.

Casey SECONDED the motion.

The motion PASSED: 5-1.

**CONTINUED: Final Plat Public Hearing for a 2-Lot Subdivision– Scot & Kim Phillips property**

Eric Harper, Jennifer Phillips, Scot Phillips, Kimberlee Phillips, and John Stuart (project engineer) were present.

John Stuart gave a brief explanation of the proposal and began going through the staff report.

He said the shallow well on the Rathbun property was given an isolation area and the wastewater area for Lot 1B relocated to the north.

Melissa asked whether the EPR's require a 150 ft or a 500 foot isolation area.

John said the EPRs require a 150 foot initial isolation area which is extended to include land uphill of the well.

Melissa suggested the 500 foot isolation area be removed then.

Tony said the class two wetland would need to be delineated by a wetland specialist.

John said he is proposing sheet flow as opposed to swales and the area outside of the building envelope on Lot 1B would be classified as a natural resource protection area to meet State of Vermont stormwater standards.

Melissa said a condition should then be placed in the decision stating the building envelope cannot be expanded and a letter from the engineer should be submitted verifying that the development meets water quality and recharge requirements. Furthermore, the flow of stormwater through the culvert and along the driveway should be depicted on the plans.

Don asked how big the culvert was.

John said 18 inches.

John said he would like to use the same argument as used in the previous Phillips hearing regarding lot shape. That argument being all lot lines are parallel, the subdivision is all within the AFR 2 district and if the DRB decides the lot does not meet lot shape requirements they would like to request an exemption.

The hearing was opened to the public.

Margaret Bouffard asked what was meant in the staff report regarding trees requirements.

Tony answered that in different subdivisions and situations the DRB can require the planting of trees for screening purposes, such as if a new road will affect neighboring properties or if many homes are clustered in one spot.

Tony asked the DRB if they were comfortable with the information presented and they said yes.

Tony then said they would continue the hearing until wetland information could be presented.

The DRB asked the applicants and members of the public if they objected to members of the DRB absent during any of the final plat hearings reviewing all documents and testimony and voting on the Phillips' applications.

No objections were heard.

Tony MOVED to continue the hearing until December 8, 2010.

Jason SECONDED the motion.

The motion PASSED: 5-1.

### **Plan Review for a 2-Lot Subdivision & Mixed Use Planned Unit Development – Ted & Michelle Pelkey property**

Ted Pelkey, Michelle Pelkey and Jeff Kershner (project engineer) were present.

Jeff began by discussing the steep slopes on the property. He said he mapped the slopes towards the rear of the property in order to develop a hypothetical density plan showing a conventional subdivision. He stated that a building could be placed at the back of the property without impacting slopes 25% or greater. He showed the DRB two hypothetical density plans. The first involved a dog leg, but Jeff stated that the parent parcel was already an "L" shape and therefore it is difficult to subdivide off a regular shaped lot. The second option depicted a lot line 15 degrees from perpendicular. Jeff felt the second plan was in keeping with the lot shape requirements.

Dick explained that when the original subdivision of the property was done the homes were purposely setback from the road to preserve the views of Mount Mansfield from Route 128. He said he had concerns with placing a structure at the front of the property. He asked what the building would look like and how it would be screened.

Ted said the building would be 4000 square feet, would look similar to his home and would have a 16 foot tall eaves.

Melissa said the peak of the building couldn't be more than 35 feet tall.

Ted said the roof would probably have a pitch less than 4 to 12 and the building would have vinyl siding, a green roof, exterior home doors and windows every 10 feet.

Dick asked how the structure would be blended into the landscape.

Ted said the perimeter of the lot would be landscaped, except for the south side of the lot where the driveway, parking and docking areas would be. He said he currently has 6 foot tall cedars planted.

Dick said he likes the appearance of the evergreens in front of the Mathieu's bus business.

Ted said his plantings would be similar.

Ted said he could plant trees or install a fence between his property and the Kolbensens.

Dick asked where and what types of trucks would be parked on Lot 1.

Ted said a dump truck, excavator, and at least two tractor trailers would be parked on site as well as customer vehicles. He said vehicles would be stored outside.

Tony asked where parking would be located.

Ted said parallel to the road.

Tony asked that they look into placing parking towards the rear of the building.

Dick asked that a landscaping plan be submitted which clearly describes and depicts the type, placement and amount of landscaping proposed so future town employees know exactly what was approved. He suggested that Ted perhaps get professional help to develop the landscaping plan.

Ted said the trees he planted have a lifetime warranty.

Jeff said a wastewater permit and possibly a stormwater permit would be required.  
Jeff asked if he had to conduct further topo work for the back portion of the property if they weren't proposing to develop back there.

Jason said no.

Tony said the hypothetical density plan should be resubmitted for the preliminary hearing.  
Jeff asked what the DRB needed to discuss with regard to Section 6.1.6 on compatibility.  
Tony said the compatibility requirements deal with screening, aesthetics, parking, exterior storage and their effect on surrounding properties.

Melissa said Ted is proposing to retain the open space as part of Lot 2.

Jeff said Lot 2 would not be further developed.

Dick asked if Lots 1 and 2 would be owned by the Pelkeys.

Ted said yes.

Dick said they may want to propose some sort of visual protection or buffer between Lots 1 and 2 in case either lot is sold.

Tony asked if the driveway needs to be widened.

Ted said he recently widened the driveway and the state approved the widening, but the Zoning Administrator did not agree with the issuance of an access permit due to an issue with his home occupation permit. He said he will probably need to widen the driveway again and remove the culvert.

Tony said he will likely need a state permit to do so.

Don asked what the use of Lot 1 will be classified as.

Jeff said they didn't exactly know yet.

Tony said they should submit a conditional use and site plan application with the preliminary plat application. He said those applications should describe the proposed use in a narrative.

Tony said there are no major concerns with the application at this time.

The meeting was opened to the public and no comments were heard.

### **Personnel Evaluation Form**

The DRB reviewed the draft Planning Coordinator evaluation form and had no comments.

### **Minutes of the October 13, 2010 Meetings**

The DRB reviewed the October 13<sup>th</sup> minutes at their next meeting.

### **Minutes of the October 27, 2010 Meetings**

Dick MOVED to approve the minutes.

Don SECONDED the motion.

The motion PASSED: 4 - 0.

Jason and Casey abstained.

Jason MOVED to adjourn.

Dick SECONDED the motion.

The motion PASSED: 5 - 0.

The meeting adjourned at approximately 9:09 p.m.

Submitted by,

Melissa Manka, Planning Coordinator